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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,329	03/01/2002	Takashi Nara	47793/57534	3044
21874 7590 09/07/2007 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205			EXAMINER DAGNEW, SABA	
			ART UNIT 3609	PAPER NUMBER
			MAIL DATE 09/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/087,329

Applicant(s)

NARA ET AL.

Examiner

Saba Dagnew

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12, 13 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12, 13 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 03/01/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/17/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group II is acknowledged.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention without undue experimentation.

The claimed invention recites, "converting table makes combination of said plurality of types of character string or image to plurality of points". Said steps are not disclosed in the specification, one of ordinary skill in the art would not be able to implement the steps without undue experimentation.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 12, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Studor et al. (U.S. Patent Number 6152856).

With respect to claim 12, Studor teaches a point-giving server for giving a user points, comprising:

a data acquiring module operable to acquire a character string or image (Col. 5, lines 7-9) Studor's reference teaches M-S converter used to perform two major parts, first one is to acquire data from the speed sensor of the exercise equipment. The acquired data is a video data and terrain characteristics, which is an image (Col. 9, lines 55-57) ;

a converter module operable to convert said character string or image acquired by said data acquiring module (Col. 5, lines 4-10), additionally, Studor's reference teaches the second part of M-S converter task, which is converting acquired data, which contains terrain and video data, to points by using a point converting table which makes said character string or image correspond to said points (Col. 12, lines 45-54 and Fig. 7 ) Fig. 7 shows a corresponding terrain characteristics look-up table, which is used to determine the extent of the range of the normalized characteristics of data ; and

an output module operable to output said points generated by said conversion by said converting module to increase points accumulated for said user (Col. 12, lines 28-40). Studor's reference teaches that the system displayed the feedback information such as pulse, speed, distance, and calories on the monitor (Fig. 2, 72) that is

generated by M-S converter and when user specify their selection, which is the same as claimed invention.

With respect to claim 13, Studor teaches all elements of claim 12, furthermore, Studor teaches a point-giving server wherein said data acquiring unit acquires a plurality of types of character strings or image (Col. 5, lines 7-9) Studor's reference teaches M-S converter used to perform two major parts, first one is to acquire data from the speed sensor of the exercise equipment. The acquired data is a video data and terrain characteristics, which is an image (Col. 9, lines 55-57); and

Said converting table makes combination of said plurality of types character strings or images to a plurality of points, respectively, and converts each of said combination of said plurality of types of character strings or images to corresponding points (Fig. 7, Col. 8, lines 65-67 and Col. 9 1-5). Studor's reference in Fig. 3 contains three general types of pre-recorded data files, video files (e.g., compressed AVI or MOV formats, which is a plurality of images) and table files of normalized or responding to terrain characteristics data, (e.g., slop data), which is the same as claimed invention.

With respect to claim 17, Studor teaches a computer-readable medium for performing a point-giving procedure which gives points to a user comprising:

a data acquiring unit operable to acquire a character string or image (Col. 5, lines 7-9) Studor's reference teaches M-S converter used to perform two major parts, first one is to acquire data from the speed sensor of the exercise equipment. The acquired data is a video data and terrain characteristics, which is an image (Col. 9, lines 55-57) ;

a converter operable to convert said character string or image acquired by said data acquiring unit (Col. 5, lines 4-10), additionally, Studor's reference teaches the second part of M-S converter task, which is converting acquired data, which contains terrain and video data, to points by using a point converting table which makes said character string or image correspond to said point (Col. 12, lines 45-54 and Fig. 7 ) Fig. 7 shows a corresponding terrain characteristics look-up table, which is used to determine the extent of the range of the normalized characteristics of data ; and

an output unit operable to output said points generated by said converter to increase points accumulated for said user (Col. 12, lines 28-40). Studor's reference teaches that the system displayed the feedback information such as pulse, speed, distance, and calories on the monitor (Fig. 2, 72) that is generated by M-S converter and when user specify their selection, which is the same as claimed invention.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. U.S. Patent Number 5, 890,995 to Bobick et al. teaches exercise equipment, which used specifically to networkable exercise cycles.

8. U.S. Publication Number 2002/0077219 to Cohen et al. teaches incentive award for use of exercise equipment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Dagnew whose telephone number is (571) 270-3271. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD  
August 29, 2007

  
MATTHEW S. GART  
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